

UNITED STATES DISTRICT COURT  
THE MIDDLE DISTRICT OF TENNESSEE

JIMMY HIGGINS, JAMES THOMAS HIGGINS, )  
THE JIMMY T. HIGGINS LIVING TRUST, and )  
THE HIGGINS FAMILY PARTNERSHIP, L.P., )  
Plaintiffs )  
v. ) DOCKET NO.  
THE BURLINGTON INSURANCE COMPANY, and ) JUDGE:  
GRANGE MUTUAL CASUALTY COMPANY )  
Defendants )

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JOINT NOTICE OF REMOVAL

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TO: The Judges of the United States Court for the Middle District of Tennessee:

Come the defendants, Grange Mutual Casualty Company and The Burlington Insurance Company, by and through counsel, and pursuant to 28 U.S.C. §§ 1441, 1446, and 1332, and would respectfully show as follows:

1. On January 6, 2015, an action was commenced in the Chancery Court of Cannon County, Tennessee, entitled Jimmy Higgins, James Thomas Higgins, The Jimmy T. Higgins Living Trust, and The Higgins Family Partnership, L.P. v. The Burlington Insurance Company, and Grange Mutual Casualty Company, No. 15-02, by the filing of a Complaint with the Chancery Court Clerk of Cannon County, Tennessee. The defendants wish to exercise their rights to remove this case to the United States District Court for the Middle District of Tennessee. Pursuant to 28 U.S.C. § 1446, the defendants attach herewith and incorporate herein by reference a true and correct copy of all pleadings served upon the defendants as Collective Exhibit A.

2. The summons and complaint in the above-described action were filed with the Tennessee Secretary of State on January 20, 2015. The Tennessee Secretary of State mailed

the summons and complaint to defendants Grange Mutual Casualty Company and The Burlington Insurance Company on January 22, 2015 and the defendants received the summons and complaint shortly thereafter. Thus, in accordance with the requirements of 28 U.S.C. § 1446, this Petition for Removal was filed within thirty (30) days of the service of the Complaint on the defendants, and is therefore timely.

3. The case stated by the Complaint served upon Defendant Grange Mutual Casualty Company and The Burlington Insurance Company is removable to this Court under 28 U.S.C. § 1441, in that the Plaintiffs, Jimmy Higgins, James Thomas Higgins, The Jimmy T. Higgins Living Trust, and The Higgins Family Partnership, L.P., at the time of this action was commenced are citizens of the State of Tennessee. Defendant Grange Mutual Casualty Company was, at the time this action was commenced, and still is, an Ohio corporation with its principle place of business in the State of Ohio. Defendant The Burlington Insurance Company was, at the time this action was commenced, and still is, a North Carolina Corporation with its principal place of business in the State of North Carolina.

4. The above-described action is a civil action for declaratory judgment of which this court has original jurisdiction pursuant to the provisions of 28 U.S.C. § 1332 and is one which may be removed to this Court by the Defendants pursuant to the provisions of 28 U.S.C. § 1441, in that complete diversity of citizenship exists between the parties. Therefore, this Court has original jurisdiction over this action. In addition, the actual amount in controversy sought by the Plaintiffs in the underlying case is for a total of Ten Million Dollars compensatory damages, exclusive of interest and costs, and Ten Million Dollars punitive damages, which far exceeds the jurisdictional minimum of Seventy-Five Thousand and 00/100 Dollars (\$75,000.00).

5. By reason of the premises, the Defendants desire, and are entitled, to have this cause removed from the Chancery Court of Cannon County, Tennessee to the United States District Court for the Middle District of Tennessee, such being the district where the suit is

pending, and conditioned that the Defendants will pay all costs incurred by reason of these removal proceedings should it be determined that this cause was not removable or was improperly removed.

6. Written Notice of Filing of this Petition for Removal shall be given to the adverse parties as required by law, and a copy of this written notice, without exhibits, filed with the Clerk of the Chancery Court of Cannon County, Tennessee, is attached hereto as Exhibit B.

7. A true and correct copy of this Petition for Removal shall be filed with the Clerk of the Chancery Court of Cannon County, Tennessee, as provided by law.

8. By filing this Notice of Removal, defendants Grange Mutual Casualty Company and The Burlington Insurance Company do not waive any defense(s) available to them.

WHEREFORE, Defendants, Grange Mutual Casualty Company and The Burlington Insurance Company, respectfully pray that the above-described action now pending against them in the Chancery Court for Cannon County, Tennessee, be removed therefrom to this Court and placed upon the docket of this Court for further proceedings, the same as though this action had originally been instituted in this Court.

Dated this 11 day of February, 2015.

Respectfully submitted:

HOWARD, TATE, SOWELL, WILSON, LEATHERS  
& JOHNSON, PLLC



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*Attorneys for The Burlington Insurance Company*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 11 day of February, 2015, a true and correct copy of the foregoing has been furnished, via U.S. Mail, postage pre-paid, to the following:

Gayle I. Malone  
Jason W. Callen  
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*Alan M. Sowell*  
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Alan M. Sowell